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# EXPORT FRUIT ACT'S

Questions and Answers

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U. S. DEPARTMENT OF AGRICULTURE  
BELTSVILLE BRANCH



CONSUMER AND MARKETING SERVICE  
U. S. DEPARTMENT OF AGRICULTURE  
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# EXPORT FRUIT ACTS

## Questions and Answers

At the request of the fruit industries, Congress has passed two export Acts designed to promote foreign trade in American fruits. The Export Apple and Pear Act was passed in 1933, while the Export Grape and Plum Act was passed in 1960. Both Acts contain broad authority for establishing mandatory minimum quality and other requirements designed to improve the demand for these fruits in foreign markets.

USDA has worked closely with the respective fruit industries in setting up regulations to put the laws into effect. This leaflet outlines the current regulations established under the Acts, and how they apply to fruit shippers and carriers.

### 1. What are the objectives of the Export Acts?

*To promote* the foreign trade of the U.S. in apples, pears, plums, and grapes.

*To protect* the reputation of American-grown fruits in foreign markets.

*To prevent* deception or misrepresentation as to the quality of such products.

*To provide* for inspection of the specified fruits moving to foreign markets.

### 2. What are the current minimum grade requirements?

*For apples:* U.S. No. 1, U.S. No. 1 Early, or U.S. No. 1 Processing.

*For pears:* U.S. No. 2 Fresh, or U.S. No. 1, for Canning.

*For grapes:* Limited to the Emperor variety. Must meet minimum requirements of U.S. No. 1 Sawdust Pack Grape Grade if packed in sawdust packs. Grapes in other than sawdust packs must meet minimum requirements of the U.S. No. 1 Table Grape Grade. The use of the U.S. Export No. 1, or higher grades, is recommended.

*For plums:* Not regulated under this Act, as marketing agreement and order regulations cover most of U.S. plum production. Such regulations limit shipments to the better grades and sizes.

### **3. What container markings are required?**

Each package must be plainly and conspicuously marked with the name and address of the grower, packer, or domestic distributor. Variety, grade, and—for apples and pears—the numerical count or minimum size must also be included. The name of the foreign distributor may be placed on consumer unit packages shipped in a master container if this container is properly marked with the name and address of the grower, packer or domestic distributor.

Containers of apples or pears for processing must be marked with the word "Cannery" in letters not less than two inches high. Packages of immature apples or pears shipped to Pacific ports west of the International Date Line must be marked with the words "IMMATURE FRUIT" in letters not less than two inches high.

### **4. How can a shipper comply with the Acts?**

Shippers who export apples, pears, or Emperor grapes can comply by having each shipment inspected and certified by the Federal or Federal-State Inspection Service. Emperor grapes must be inspected within 14 days of the date of export. A copy of the certificate issued by the inspector, showing that the fruit meets the requirements, must accompany the shipment when it is delivered to the carrier. The container marking requirements must be complied with before the certificate will be issued.

### **5. What must a carrier do to comply with the Acts?**

Under the Acts, a carrier may not legally transport, or receive for transportation, any shipment of apples, pears, or Emperor grapes to a foreign destination unless the shipment is accompanied by a certificate of inspection showing that the fruit meets the requirements of the applicable Act. The export carrier transporting the fruit out of the country must keep a copy of the certificate on file for 3 years following the date of export.

## **6. What are the exemptions?**

Under the Apple and Pear Act regulations, exemptions apply to shipments not exceeding 100 boxes of apples or pears on a single conveyance to any country, or 400 boxes of pears on a single conveyance to any one receiver in Venezuela or Mexico. The 100-box exemption applies separately to apples and pears. This means that a quantity not exceeding 100 boxes each of apples and pears may be shipped by one person on the same carrier to any one country. Also, more than one exempt lot of apples and/or pears may be shipped at the same time on a conveyance, providing the quantities shipped to any one country do not exceed the specified exemptions.

Under the Grape and Plum Act regulations, 25 packages or less of Emperor grapes—not exceeding 1,250 pounds gross weight on a single conveyance—are exempt.

## **7. Do such fruits imported into the United States and later reshipped in export have to comply with the Export Act requirements?**

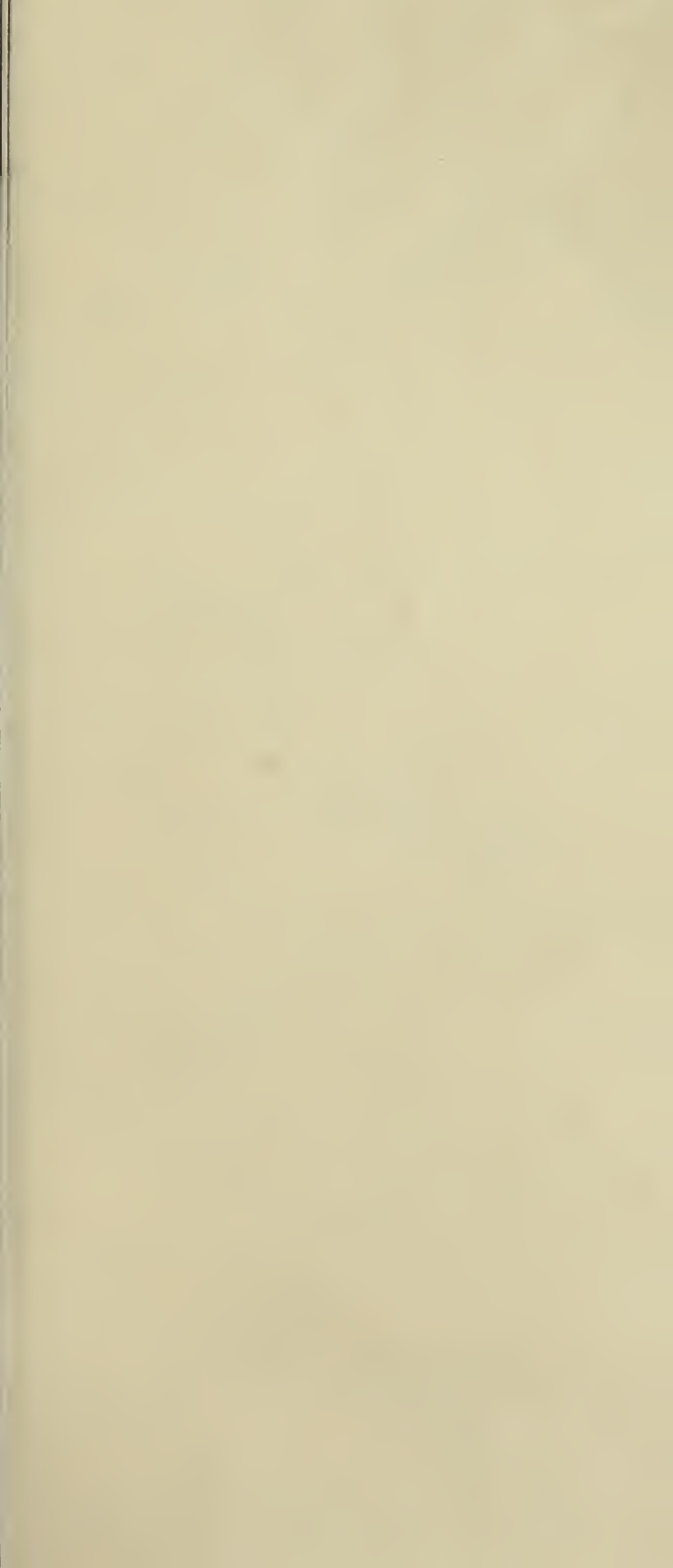
Yes, if the fruits are unloaded in the U.S. and left free either to be sold on the domestic market or reshipped for export, then they must be inspected and comply with all requirements of the Acts if they are reshipped in export. However, fruits grown outside the U.S. but moving through U.S. ports on through bills of lading to foreign destinations are not required to comply with requirements of the Acts.

## **8. For what period of time is an inspection certificate valid?**

Such a certificate for a shipment of Emperor variety grapes must be issued within 14 days of the date of export. There is no time limitation on certificates for apples or pears. However, many exporters and foreign importers provide in their contracts that the fruit for which they are contracting shall meet specified requirements at time of shipment. This is a good safeguard.

## **9. Who administers the Acts?**

The Fruit Branch, Fruit and Vegetable Division, Consumer and Marketing Service, has been delegated to administer the Acts.



## **10. How are grade and other requirements established under the Acts?**

Industry groups and trade associations submit suggestions to USDA. Suggestions are then prepared as a notice and published for views. After such modifications as may be indicated by the comments received, requirements are issued by USDA and published in the Federal Register. This procedure was followed for the Apple and Pear Act requirements which became effective on October 1, 1959, and with the requirements for Emperor grapes which became effective October 9, 1961.

## **11. What penalties are provided for violations?**

Persons shipping, or offering for shipment, apples, pears, or Emperor variety grapes in violation of requirements may, after opportunity for hearing, be refused issuance of certificates for periods not exceeding 90 days. Any person, including carriers, who knowingly violates any of the provisions of the Acts shall, upon conviction, be subject to a fine of not less than \$100 nor more than \$10,000.



**For more information, contact any  
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